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Date December 2, 2005

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Amendment

TC 1742

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From: Mark Salvatore

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REMARKS:

☐ Urgent ☐ For your review ☒ Reply ASAP ☐ Please comment

Application Number: 10/693,143

Filing date: October 24, 2003

First named inventor: Berman, Michael J.

Attorney docket number: 03-0702

Transmitted herewith for filing via facsimile:

- Amendment in response to the Office Action dated November 16, 2005.

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PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/893,143	
	Filing Date	October 24, 2003	
	First Named Inventor	Berman, Michael J.	
	Art Unit	1742	
	Examiner Name	Alexander, Michael P.	
Total Number of Pages in This Submission	3	Attorney Docket Number	03-0702

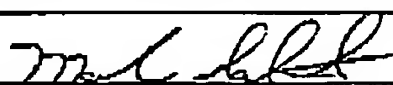
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ENCLOSURES (Check all that apply)		
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<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
- Response to Official Action (Restriction/Election Requirement)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LSI Logic Corporation		
Signature			
Printed name	Timothy R. Groll		
Date	1 Dec 05	Reg. No.	36,771

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Signature	
Typed or printed name	Mark Salvatore
Date	12-2-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael J. Berman, et
al.

) Group Art Unit: 1742

) Examiner: Michael P. Alexander

Serial No.: 10/693,143

) Atty. Docket No.: 03-0702

Filed: October 24, 2003

For: ABRASIVE ELECTROLYTE

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RESPONSE TO OFFICIAL ACTION
Restriction/Election Requirement

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is presented to the Office Action mailed November 16, 2005, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, *with traverse*, to prosecute Group I, i.e., solution claims 1-15.

Remarks/Arguments

Reconsideration of the restriction is respectfully requested. Restriction is not required by 35 U.S.C. §121, as suggested in the Office Action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. §121 "... the Commissioner *may* require the application to be restricted...." (emphasis added).

Furthermore, MPEP § 803 lists two criteria that must be present for restriction to be proper:

- 1) The inventions must be independent or distinct as claimed; and
- 2) There must be a serious burden on the examiner if restriction is required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason, there is no significant burden on the examiner, and certainly no serious burden as required by MPEP §121.

In fact, maintaining the requirement for restriction not only burdens applicants with the additional costs associated with filing and prosecuting separate patent applications, but also requires the examiner to duplicate efforts by examining multiple applications of closely related inventions. Such practice not only wastes public and private funds and Patent Office resources, but also leads to the possibility of inconsistent examinations of closely related inventions. Accordingly, applicants respectfully request that the examiner reconsider and withdraw the restriction requirement.

In light of the foregoing, applicants respectfully submit that a full and complete response to the Office Action is provided herein, and request that the application proceed to examination.

In the event this response is not timely filed, applicants hereby petition for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to deposit account 12-2252.

Respectfully Submitted,

Michael J. Berman, et al.



By Timothy R. Croll
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Date: November 29, 2005